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No. 157

In the Supreme Court of the United States

OCTOBER TERM, 1949

CIVIL AERONAUTICS BOARD, PETITIONER

v.

STATE AIRLINES, INC.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

The Solicitor General on behalf of the Civil Aeronautics Board respectfully prays that a writ of certiorari be issued to review the judgment of the United States Court of Appeals for the District of Columbia Circuit entered in the above-entitled case on April 6, 1949.

OPINION BELOW

The opinion of the Court of Appeals for the District of Columbia Circuit (R. 675–686) is not yet reported. The original opinion of the Civil Aeronautics Board is reported in 7 C. A. B. 863 (R. 565). The Board's supplemental opinions are reported in 8 C. A. B. 585 and 716 (R. 568–588, 610–621).

JURISDICTION

The judgment of the Court of Appeals was entered on April 6, 1949 (R. 686–687). The jurisdiction of this Court is invoked under Title 28, United States Code, Section 1254 (1).

QUESTIONS PRESENTED

1. Whether, in selecting an applicant who is "fit, willing, and able" to operate an air route found required by public convenience and necessity, the Civil Aeronautics Board must, as a matter of law, consider as ineligible for award of the route all applicants whose proposed operating plans do not specifically cover every portion of the route actually awarded.

2. Whether the Civil Aeronautics Board is precluded under section 401 (d) of the Civil Aeronautics Act from awarding an air route to an applicant which has not specifically requested what the reviewing court characterizes as a "substantial" portion of the route actually awarded but has included in its application a so-called "catch-all" clause, customarily included in new route applications, which requests the routes detailed in the application "or such modification of such routes as the Board may find public convenience and necessity require."

3. Whether the Court of Appeals erred in undertaking to decide for itself what is technically necessary by way of plans and organization to render an applicant "fit" and "able" to oper-

ate an air route, and in holding that there was no substantial evidence to support the Board's finding that Piedmont was "fit, willing, and able" within the meaning of section 401 (d) of the Civil Aeronautics Act.

STATUTE INVOLVED

The pertinent provisions of the Civil Aeronautics Act of 1938, as amended,[1] which will be referred to as the Act, are set forth in Appendix A, *infra,* pp. 21–22.

STATEMENT

On February 24, 1945, the Civil Aeronautics Board (hereinafter called the "Board") consolidated for hearing in a single proceeding known as the "Southeastern States Case" some 45 applications by 25 companies proposing new and additional air transportation services. The applications included proposals for "trunkline" service and local or "feeder" service,[2] and embraced an area extending roughly from Maryland to Florida, and from the Atlantic Coast to the Mississippi River (R. 565 (866)).[3] The pro-

[1] Act of June 23, 1938, c. 601, 52 Stat. 977, as amended, 49 U. S. C. 401, *et seq.*

[2] A local or "feeder" air route, in contrast to a trunkline route, is in general a route primarily serving small communities and tying them into the larger traffic centers with which they have their major community of interest. The service is normally rendered with small equipment and is primarily short haul in character.

[3] The area included the States of Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina,

ceeding resulted from the practice of the Board in consolidating into one proceeding all route applications proposing service within a well-defined geographical area, and was one of eleven so-called "area proceedings" held before the Board.

Various applicants for local or "feeder" service proposed routes which overlapped and duplicated each other in many respects, and when taken together blanketed the area involved (R. 638–654). Among these applicants were State Airlines, Inc. (hereinafter called "State") and Piedmont Aviation, Inc. (hereinafter called "Piedmont").

Piedmont's application, as amended, sought a total of 5,763 miles of specifically described routes (R. 28–71, 652, 653). Of these routes, 1,404 miles consisted of a conventional passenger, property, and mail operation over a north-south route extending from Washington, D. C., to Columbia, S. C., and east-west routes extending from Knoxville, Tenn., to Wilmington, N. C., and from Roanoke, Va., to Norfolk, Va. (R. 69–70, 652; see Map, Appendix B, *infra*, p. 23). The remaining 4,359 route miles proposed by Piedmont in the same general area consisted of a property-mail pick-up[4] operation over an ex-

Georgia, Alabama, Mississippi; portions of Ohio, Indiana, Maryland, Florida, and Missouri; and the District of Columbia.

[4] Property "pick-up" service involves the use of aircraft equipped with a device for enplaning or deplaning property at a station without landing the aircraft.

tensive net work of routes serving a larger area than its proposed passenger routes (R. 64–69, 653; see Map, Appendix B, *infra,* p. 23).

Piedmont's application included a so-called "catch-all" clause requesting authorization to engage in air transportation "on the routes detailed herein, or such modification of such routes as the Board may find public convenience and necessity require"; and the general prayer in the application asked "for such other and further relief, general and specific, under Section 401 of the * * * Act * * *, as the Board may deem appropriate, and to which the applicant may be entitled in any proceeding in which the application may be heard in part or in its entirety" (R. 31, 41).[5]

State's applications proposed twelve routes providing conventional passenger, property, and mail service to approximately fifty-five points over a network of routes blanketing much of the "southeastern" area, and reaching out as far as Richmond, Va., Jacksonville, Fla., Montgomery, Ala., Chattanooga, Tenn., Louisville, Ky., and Cincinnati, Ohio (R. 1–27, 654; see Map, Appendix B, *infra,* p. 23).[6]

[5] An amendment to Piedmont's original application eliminated certain proposals involving passenger service, but did not affect the remainder of its original proposal, including the "catch-all" clause (R. 62–71).

[6] On brief to the Examiners, and later to the Board, State indicated that it would seek consideration of only nine of its proposed twelve routes, thereby reducing from fifty-five to forty-four, the number of points it specifically proposed to

An extensive hearing on all the applications in the proceeding was held before the Examiners in May and June of 1945 (R. 629 (6), 837). Evidence was introduced by the various local or "feeder" applicants to support the need for the local or "feeder" routes they proposed, and to show their individual qualifications for operating their routes, including evidence with respect to the previous aviation experience of the applicant and its officials, their available equipment and personnel, their financial resources, and their plans for operating the routes they proposed.

On June 4, 1946, the Examiners issued their report recommending, *inter alia,* that the area be afforded four separate local or "feeder" routes, one of which was to go to State, and one to Piedmont (R. 519–522). Piedmont's recommended route consisted of a north-south segment between Washington, D. C., and Winston-Salem, N. C., and an east-west segment between Norfolk, Va., and Roanoke, Va. (R. 520). State's recommended route connected with that of Piedmont at Winston-Salem, N. C., but was in general a more southern route, consisting of north-south segments from Winston-Salem and Raleigh-Durham, N. C., to Columbia, S. C., and east-west segments from Morehead City and Wilmington, N. C., to Asheville, N. C., and Louisville, Ky. (R. 521–522).

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serve, and reducing somewhat the general area covered by its proposed network of routes (see Map, Appendix B, *infra,* p. 23).

On exceptions to the Examiners' report Piedmont objected, *inter alia,* to certain routes recommended for State (R. 533, 534). State contended, *inter alia,* that the Examiners "erred in granting to other applicants and failing to grant to State certain authority, which, although not specifically sought by State, would, if granted to State rather than other applicants, form a more logical part of the operating authority recommended by the Examiners for State" (R. 529).

Following briefs and oral argument before the Board, the Board issued its decision, in which it determined, *inter alia,* that certain cities and regions required "trunk-line" services, and made appropriate amendments in the certificates of public convenience and necessity held by five "trunk-line" carriers. In addition, the Board found a need for two local or "feeder" routes (rather than four recommended by the Examiners), one in the "southern area" which was awarded to Southern Airways, Inc., and another in the northern area.

In selecting a carrier to operate the route in the northern area, the Board considered the qualifications of all the applicants (eleven in number) who had proposed service to any part of the route actually awarded. (See Map, Appendix B, *infra,* p. 23.) The Board then narrowed its choice down to State and Piedmont, and after recognizing that the choice between these two applicants presented "a close and diffi-

cult question," the Board concluded that Piedmont was best qualified to operate the route and was "fit, willing, and able" within the meaning of section 401 (d) of the Act (R. 565 (901–902, 907)). The choice of Piedmont over State essentially turned on the conclusion that Piedmont had superior operational experience, and possessed a well-rounded organization with key personnel familiar with the area involved who could inaugurate certificated operations sooner than State (R. 565 (902)).

Piedmont's route, consisting of 1700 odd route miles, centered in the Carolinas and Virginias, and extended west of the Appalachians as far as Louisville, Ky., and Cincinnati, Ohio. (See Map, Appendix B, *infra,* p. 23.) The route was in some respects a consolidation of the two separate routes recommended by the Examiners for State and Piedmont, although somewhat less extensive in total route mileage and area served. Of the 26 points originally included in Piedmont's certificate, 9 had been specifically named in its proposed passenger operation and all but 6 had been specifically named in its pick-up proposal (R. 64–70; see Map, Appendix B, *infra,* p. 23.) The extensive routes proposed by State had included 24 of the 26 points awarded to Piedmont (R. 1–27; see Map, Appendix B, *infra,* p. 23).

On petition for rehearing, reargument, and reconsideration, State urged, *inter alia,* that the award to Piedmont was unlawful in that (a) Piedmont had not applied for the major portion

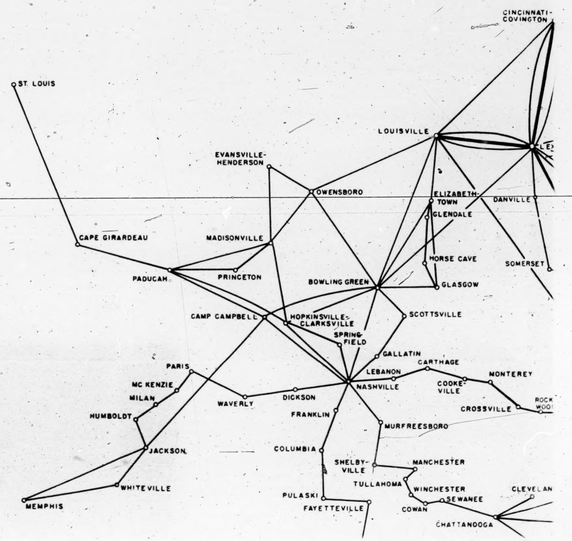
of the route, either specifically or by means of the general allegations in its application, and that therefore the award was beyond the Board's jurisdiction and denied State adequate notice and hearing, and (b) the Board's finding of "fitness, willingness, and ability" lacked the support of substantial evidence (R. 566). The Board then heard reargument limited to the questions of "(a) whether the public interest requires the selection of State or Piedmont, and (b) whether the Board committed legal error by awarding the route to Piedmont" (R. 591).

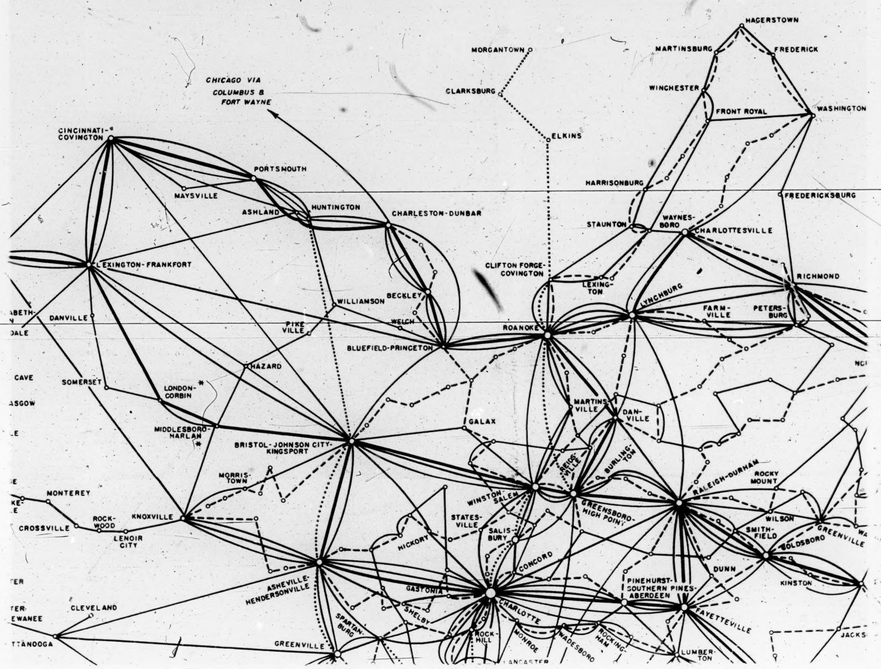
On December 12, 1947, the Board issued a supplemental opinion reaffirming its award to Piedmont, and issued to Piedmont a temporary certificate for the route (R. 610–628). The Board found, *inter alia,* that Piedmont was clearly fit, willing, and able, that State had been afforded adequate notice and a fair hearing, and that in the light of Piedmont's "catch-all" clause and the customary practice in route cases before the Board, Piedmont was an "applicant" for the route awarded it (R. 611–619). On the relative merits of the two applicants, the Board found that Piedmont had more diversified experience in aviation activities, that Piedmont was superior in repair and overhaul facilities and in maintenance personnel, and that Piedmont had the nucleus of a well-rounded organization that would permit earlier inauguration of service than would State's skeleton organization (R. 611, 612).

COMPARISON BETWEEN RO
OF 11 APPLICANTS (

VEEN ROUTE AWARDED BY BOARD AND PROPOSED ROUTES
CANTS CONSIDERED FOR AWARD OF BOARD'S ROUTE

PROPOSED ROUTES
ARD'S ROUTE





KEY

- ROUTES AWARDED TO PIEDMONT AVIATION, INC.
- PIEDMONT: CONVENTIONAL ROUTES PROPOSED BY PIEDMONT AVIATION, INC.
- PIEDMONT: PICKUP ROUTES PROPOSED BY PIEDMONT AVIATION, INC.
- STATE: ROUTE PROPOSALS ACTIVELY PROSECUTED BY STATE AIRLINES, INC.
- STATE: ROUTE PROPOSALS NOT PRESSED BY STATE AIRLINES, INC.
- STATE: ROUTE PROPOSALS IN EFFECT ABANDONED BY STATE AIRLINES, INC.
- COMPOSITE ROUTES PROPOSED BY THE 9 OTHER CARRIERS (SEE NOTE)
- * BOARD AWARDED THESE POINTS 10-13-47

NOTE: FOR INDIVIDUAL ROUTE PROPOSALS OF THESE APPLICANTS SEE ORIGINAL TRANSCRIPT OF RECORD AS FOLLOWS:

- ATLANTIC AND CAROLINA AIRWAYS COMPANY (TR. 138-148)
- BLUEGRASS AIRLINES (TR. 584-595)
- COMMONWEALTH AIR TRANSPORT, INC. (TR. 149-171)
- GILLESPIE AIRWAYS (TR. 103-116)
- SEABOARD AIR TRANSPORT (TR. 80-95)
- SOUTH EAST AIRLINES (TR. 478-493)
- SOUTH EAST AIRLINES, INC. (TR. 272-289)
- VIRGINIA AIRWAYS (TR. 417-426)
- VIRGINIA CENTRAL AIRLINES (TR. 503-509 B.B.)

CIVIL AERONAUTICS BOARD

On appeal, the court below held (Judge Edgerton dissenting without opinion) that the Board's award to Piedmont was legally defective in that (1) the Board had exceeded its jurisdiction by making the award to a party who was not in fact "an applicant" for the route within the meaning of section 401 (d) (2) of the Act, and (2) there was no substantial evidence to support the Board's finding that Piedmont was "fit, willing, and able" to operate the route within the meaning of the above-mentioned section of the Act (R. 675–686). While reversing "the decisions of the Board insofar as they resulted in the granting of a certificate" to Piedmont, the court held that it lacked the power to order the Board to issue a certificate to State, and remanded the case for further proceedings not inconsistent with its opinion.

SPECIFICATION OF ERRORS TO BE URGED

The court of appeals erred:

(1) In holding that Piedmont was not an "applicant" for the route awarded to it within the meaning of section 401 (d) of the Civil Aeronautics Act;

(2) In holding that there was no substantial evidence to support the Board's finding that Piedmont was "fit, willing, and able" within the meaning of section 401 (d) of the Civil Aeronautics Act;

(3) In holding that as a matter of law an applicant cannot be found "fit" and "able" to operate an air route unless the applicant has come forward with plans showing how it proposes to operate over each portion of the route actually awarded;

(4) In undertaking to decide for itself what is technically necessary by way of plans and organization to render an applicant "fit" and "able" to operate the route awarded to Piedmont;

(5) In reversing the decision of the Board awarding the route to Piedmont.

REASONS FOR GRANTING THE WRIT

This case raises questions of considerable importance in the administration of the Civil Aeronautics Act. The majority below has made an unduly restrictive interpretation of the terms "fitness," "ability," and "applicant," as used in section 401 (d) of the Act, and has seriously and unjustifiedly limited the field of choice entrusted by Congress to the Board in selecting an applicant best qualified to operate an air route found to be required by public convenience and necessity.

The court below upset the Board's finding of fitness, willingness, and ability of Piedmont on the asserted ground that substantial evidence was lacking to support the finding. But the essential basis for the invalidation of this determi-

nation is to be found in the court below's erroneous interpretation of the terms "fitness" and "ability." The majority held in effect that under the Act an applicant cannot be found "fit" and "able" to operate an air route unless the applicant has come forward with plans showing how it actually proposes to operate *over each portion* of the route actually awarded; the court below found in the statute an implicit provision that it is not enough that the applicant has submitted plans for operating over part of the route awarded. This limitation, if allowed to stand, will seriously hamper the Board in the promotion and development of a sound air route pattern, particularly in the realm of local or "feeder" routes.

Both the actual inauguration of service and the successful development of a given local or "feeder" route may be directly affected by the particular applicant chosen to operate the route. Moreover, the route may often include segments that were not proposed by an applicant; or the route may be one combining the separate proposals of several applicants, the Board having found that the public convenience and necessity requires their operation as a single system. Under the view of the statute taken by the court below, such a route system apparently could not be awarded to *any* of the applicants.

On the basis of its experience in dealing with the problem, the Board has established the prac-

tice in new route cases to determine first what service is required by public convenience and necessity, and then to decide which applicant is best qualified to perform such service. In this way, the public interest in an adequate air transportation system is given primacy. The effect of the holding below, however, is to compel the Board to make its determination within the rigid limits fixed by the particular plans presented by individual applicants. Only if the best qualified applicant happens to have made substantially the same appraisal of the public's need for transportation service as that ultimately made by the Board could a certificate be awarded to such applicant.

Such a limitation would seriously impair the Board's ability to establish and develop an air transportation system adequate to meet the needs of the public, and it is inconceivable that Congress could have intended to confine the Board within such a procedural strait-jacket. The extent to which the Board's certifications would serve the public interest would depend upon the foresight and diligence shown by individual applicants in elaborating the details of their operating plans for submission to the Board. Theoretically this objection might be met by conducting further proceedings to afford the applicants opportunity to make and present additional plans; but, as a practical matter, the necessity of thus prolonging what are already lengthy, time-consuming

procedures[7] would substantially impair the Board's ability to effectuate the purpose of the Act to establish an adequate air transportation system for the United States.

Apart from its erroneous interpretation of "fitness" and "ability", the majority below seriously invaded the province of administrative judgment. The determination of what constitute the technical essentials of organization and planning necessary to the operation of air transport services over the route awarded to Piedmont is a matter which plainly falls within the domain of the Board.

The Board has normally required an appropriate showing as to the adequacy of financial resources, proper organization, and plans for the conduct of the service by competent personnel to establish an applicant's qualifications. But the Board has recognized, from its familiarity with air transportation problems, that an applicant who has the necessary fitness and ability to operate a local feeder air route of a given mileage is equally capable of operating another route of similar mileage, even though the route may extend in different directions and serve communities not originally contemplated in the applicant's

[7] Proceedings involving local feeder service have proved especially time consuming, since they involve service in wide areas, and frequently have required several years for completion even under existing procedures.

plans.[8] This approach accords with the realities of new route developments,[9] and is virtually necessary since no one can be certain what the opportunities for local feeder service are or what route pattern a local feeder operation should assume. These are practical factors in the administration of the Act which the Board was properly entitled to consider in formulating its procedures, and the decision below thus represents an unwarranted intrusion upon the Board's administrative authority.

The Board in this proceeding, having carefully examined the plans and organization of Piedmont, set forth in its supplemental opinion awarding Piedmont the certificate, detailed factual findings

[8] Thus, if an applicant has sufficient financing to enable him to undertake local feeder service over a route consisting of approximately one thousand route-miles, the particular direction of route mileage and the particular communities to be served do not affect the financial ability of the applicant. Similarly, if an applicant has a nucleus of pilots, mechanics, equipment, and key personnel to operate a proposed local feeder route of one thousand miles and has presented plans showing how he will operate over those route-miles, the Board can judge the applicant's capability of operating another local feeder route of approximately the same size, regardless of the details as to particular communities to be served, or the sequence in which the communities are to be served.

[9] Although obviously not in the record in this case, the fact that Piedmont started operations with commendable promptness and has successfully continued them since is a practical demonstration of the fact that this approach to fitness and ability is consistent with the realities of air transportation.

on which its conclusion that Piedmont was qualified to operate the route was predicated (R. 611, 613, 614).[10] Despite this, the court below, without challenging the Board's basic findings of fact, apparently decided that Piedmont should have produced evidence to show that it had plans "to operate west of the Appalachians or over mountainous terrain" (R. 684). The court asserted "that proof of fitness, willingness, and ability to operate along basically north-south routes parallelling existent surface travel, and avoiding mountainous terrain" is not "equivalent to proof of qualification to operate on basically east-west routes, generally at right angles to the major lines of flow of existing surface travel, and crossing large areas of a very mountainous region" (R. 685). The court below has thus undertaken itself to make technical judgments which Congress has clearly entrusted to the Board. The impact of mountainous terrain, or of the direction of air routes or surface travel, upon the capability of an applicant to operate an air route, is a matter which Congress has left to the Board and not to the courts. In attempting itself to judge these factors, the court below has in our opinion

[10] Indeed, State conceded before the Board that Piedmont was fit and able. At the oral argument on reconsideration, State's attorney stated: "We are taking the position that both State and Piedmont are fit and able, it's a question of which has demonstrated in this record to be more fit, willing, and able" (607).

seriously invaded the domain of administrative action.

The court below also held that Piedmont was not an "applicant" within the meaning of section 401 (d) for the route awarded and that the Board therefore was without power to grant the route to Piedmont. In so holding, the court ruled that the route awarded to Piedmont was more than a "modification" of the route Piedmont proposed and that the "catch-all" clause included in Piedmont's application could not justify an award which represented more than "slight deviations" from the route proposed in its application. While this might superficially appear to be a question which turns on the wording of Piedmont's application, it raises, in fact, a question of importance in the administration of the Act since it imposes an unwarranted jurisdictional limitation upon the Board.

It has been a uniform practice of applicants in new route proceedings before the Board to include in their applications so-called "catch-all" clauses similar to that contained in Piedmont's application. By the inclusion of a "catch-all" clause the Board and the parties are put on notice that the scope of a particular application is not limited to the specific points or route segments named in the application, but is broad enough to embrace any award that the Board may wish to make in the general area embraced by the appli-

cation (R. 616, 617). This practice arises from the fact that in a new route proceeding the number of points in the area that may be selected for air transportation, and the variations in the manner in which they may be joined in a linear route, are so numerous that the applicants do not wish and should not be required to confine their requests to the precise routing which they may have specifically proposed.

While the precise phrasing of the "catch-all" clause has varied with the applicants, the employment of the clause has been virtually universal, and the Board has commonly relied upon the clause in the awarding of routes (R. 617). As a consequence, there are now in process numerous new route proceedings before the Board in which the "catch-all" clause is an integral part of the competing applications. If the court's treatment of Piedmont's "catch-all" clause is allowed to stand, it will cast a cloud upon these existing proceedings because of uncertainty as to the scope of the applications. It is true that the court below has not outlawed the "catch-all" clause as such, and has indicated that the clause may be used to permit the granting of routes "which represent *slight deviations* from those proposed" (R. 681). [Italics supplied.] However, the Board may find itself in a difficult position, for if it construes a catch-all clause narrowly to exclude an applicant from selection for a

route, it may find its action challenged by the applicant; whereas if it construes the catch-all clause broadly, it may find its action challenged under the court's decision by another applicant.[11] It is difficult to believe that Congress intended to import into new route proceedings technicalities of pleading, reminiscent of Baron Parke's day, such as are inherent in the decision of the court below.

The court below also erred in holding that there was "no evidence" to support "the implied finding" by the Board that Piedmont was an applicant for the routes awarded (R. 681). The detailed basis for the Board's finding is amply set forth in the Board's second supplemental opinion on reconsideration (R. 615–616).[12]

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[11] As in the case of failure of an applicant to adduce plans for operating all of the route to be awarded, the Board could of course undertake further proceedings in pending cases to require clarification of the applications and hold further hearings; but as we have indicated, such additional steps would unduly delay the already time-consuming route proceedings, and thereby hamper the Board's work.

[12] With respect to State and Piedmont, it is noteworthy here that the Board expressly found that State had been afforded adequate notice and hearing (R. 619), and this finding has not been questioned by the court below. Accordingly, it seems clear that State was afforded all procedural safeguards required by due process.

CONCLUSION

It is respectfully submitted that this petition for certiorari should be granted.

PHILIP B. PERLMAN,
Solicitor General.

EMORY T. NUNNELEY, Jr.,
General Counsel,
Civil Aeronautics Board.

JULY 1949.

APPENDIX A

The pertinent provisions of the Civil Aeronautics Act of 1938, as amended,[1] are as follows:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

CERTIFICATE REQUIRED

SEC. 401 (a). No air carrier shall engage in any air transportation unless there is in force a certificate issued by the [Board] authorizing such air carrier to engage in such transportation: * * *

APPLICATION FOR CERTIFICATE

(b) Application for a certificate shall be made in writing to the [Board] and shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons, as the [Board] shall by regulation require.

NOTICE OF APPLICATION

(c) Upon the filing of any such application, the [Board] shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the [Board] and to such other persons as the [Board] may by regulation determine. Any interested person may file with the [Board] a protest or memorandum of opposition to or in support of the

[1] Act of June 23, 1938, c. 601, 52 Stat. 973; Reorg. Plan No. IV, Sec. 7, effective June 30, 1940, 5 F. R. 2421, 54 Stat. 1235, 49 U. S. C. 401, et seq.

issuance of a certificate. Such application shall be set for public hearing, and the [Board] shall dispose of such application as speedily as possible.

ISSUANCE OF CERTIFICATE

(d) (1) The [Board] shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if it finds that the applicant is fit, willing, and able to perform such transportation properly, and to conform to the provisions of this Act and the rules, regulations, and requirements of the [Board] hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(2) In the case of an application for a certificate to engage in temporary air transportation, the [Board] may issue a certificate authorizing the whole or any part thereof for such limited periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the [Board] hereunder.

U. S. GOVERNMENT PRINTING OFFICE: 1949